

POLITICAL CULTURE - CHAPTER 4

AMERICAN INSTITUTIONS

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(**Abstract:** Organization of the national government, the limited powers of the President, Congress and its conflicting roles, the Supreme Court.)

PROF WRIGHT: My goal is to help make sense of how American politics works in practice; how politics reflects the values enshrined in our constitution so that when you read the headlines about what our President is trying to do or Congress is trying to do you will understand why this might be so. We'll look at the Presidency, Congress and the Supreme Court and examine what I think the essential elements are about each to help understand why that institution works the way it does. I hope we'll come to understand the interdependence built into our system; how no element can just go off on their own and do something because they won't get very far. Remember how American political power is checked and how power is separated.

The Presidency. Let's examine the Presidency more carefully. The President is surrounded by the organization called the White House staff, probably about 30 people, most of whom are minor, secretaries and things. There are 5 or 6 key people. What is important to know is just how limited the President's universe is. While the President on the one hand is getting seen by everybody worldwide, his real day-to-day contact is with a hand full of people only. The information that he gets is strained by his advisors. Different Presidents have tried different ways of organizing their staff, and what we find is that has real consequences for the way they operate.

FDR and Clinton sought a lot of different opinions and then they would decide among all those opinions and contradictions what they would do. When Clinton started his first month in the White House he got a lot of kidding for a management style that seemed like running a seminar. He would have all sorts of experts come in and they would debate policy all over the place and then finally he would formally decide what was going on.

George Bush is just the opposite. He has got a very controlled hierarchical structure. He doesn't want a whole lot of extra information. He delegates an incredible amount of latitude to his staff to sift through the information and decide who he will see and what he will see.

Beyond the close confines of the White House staff is a large organization of about 1500 to 1600 people, called the Executive Office of the President. This is a bureaucracy that exists only to help the President. They serve his interests whatever they might be. The biggest and most important there is the Office of Management and Budget. Below that are the 16 Cabinets, heading 16 departments, the newest one being the Department of Homeland Security. When the President gets to this level, he is starting to lose control. Bureaucrats are going to be here after Bush is gone and so is just about everybody else the State Department.¹ They have a whole lifetime of accumulated experience about how diplomacy ought to operate. They know the President is going to be around only 8 years, so they have the option of "waiting him out."

Below the department level are the independent regulatory agencies; about 250 of which do almost everything that you can imagine. Often, Congress forms a new agency in

¹ With the notable exception of Ambassadors, who serve as the President's representatives.

order to get around the bureaucratic inertia that limits the implementation of its desires. A good example of how that operated and how it got messed up was the relationship with FEMA, the Federal Emergency Management Agency. It was founded to deal with natural disasters. After 9/11 it got folded into the Department of Homeland Security. Homeland Security is obsessed with terrorism. Hurricanes aren't terrorists. So preparation for things like hurricanes just got kind of shifted aside and when one finally hit, they weren't prepared. That experience seems to support independent agencies rather than being folded into a particular administration.

This is where we encounter the "expectations gap" between very high expectations among the American public about what the President is going to do and the fact that the President does not have very much power. You can ask any American in a poll who is the most powerful person in the country and it's always going to be the President. You can even ask them who is the most powerful person in the world and most Americans will say the President. But again the President does not have very much power. He cannot tell me to do anything. He does not have the power to arrest anybody. He can't give you a traffic ticket. He cannot give someone a license to practice law or not. The constitution in fact gives him relatively limited power.

The Founding Fathers were very suspicious about executive power. It comes from King George III being a dictator. It's likely there were debates within the constitutional convention about not even having an executive or having a multiple head executive and that debate would really have been about how you limit this person. How do you keep the head executive from being a tyrant? The constitution says the President "shall faithfully administer the laws that are passed by Congress." It also requires him to make an address to Congress each year and he's also Commander-in-Chief. He can meet foreign dignitaries but it's a relatively small number of things.

What's changed is that the Founding Fathers didn't see much of a roll for the President. He was going to be little more than a clerk. The real action was going to be in Congress and the President was going to kind of keep things moving. What happened, though, is American society got larger and more complex and the government got bigger. Franklin Delano Roosevelt led a massive expansion of the federal role in American society generally. Following World War II, America found itself a world power which most Americans did not ever fancy themselves to be. We've seen ourselves largely as an isolationist nation – one not wanting to have much to do with the rest of the world. All of a sudden we are supposed to face off with the Soviet Union and we get into the Cold War. Those changes brought the focus on the Presidency.

Franklin Delano Roosevelt is responsible for much of this change. He was the one who said the Federal Government must save you. He commits the government to deal with the great depression of the 1930's. He was the one who reached out on a personal level to help Americans and so more and more of the attention in America got focused on the President as the one who can solve our problems. Politics plays into that. Nobody is going to run for office and say "I want to be President but I can't do very much for you because the constitution kind of has my hands tied" because the other guy is running for the same thing. So whatever the voters want, you promise never mind that the constitution makes it impossible for you to deliver the goods.

So the expectations of the American public steadily rose. But since the founding he has not been given any additional powers. So the President encounters many obstacles. One is with Congress. He has to get all of his money from Congress; any law that he wants to pass has to go through Congress. Really the President's success is completely dependent upon Congress's going along with him. If Congress does go along and he gets the laws that he wants then he has to face the problem of the courts turning around and throwing the law

out as unconstitutional. Often, you'll see the President is peppered with lawsuits over his implementation of the laws passed by Congress.

People can go into federal courts and eventually to the Supreme Court, which can stop what the President is trying to do by interpreting Congressional intent in the legislation.

In American politics the President's key power is really at most the power to persuade. He just can't command very many people to do anything. Kennedy once said for example, that "Dealing with the State Department is like trying to nail jelly to a wall." There's a famous picture of Lyndon Johnson, one of our most effective Senators and Presidents what we called "the Johnson treatment." It was really heavy-duty persuasion.

When the President is really stuck between a constitution that doesn't give him the power and a Supreme Court that will slap him down, he has to find what we call "extra-constitutional" power by appealing directly to the public. In this, Presidents present themselves as the voice of the American people. They are the only public official that everybody votes on, since members of congress get voted by their own constituencies. So the President says "I can stand for the American people. The people put me in here and they want all of these things done and so you shouldn't be standing in my way, Congress." When the President is successful at garnering a lot of public support, when people really like what he's doing, he obtains a type of political capital that other actors pay attention to. Congress often goes along with a popular President.

The reasons for this support are simple. Congressmen go back to their districts and they hear good things about the President. Constituents don't want to hear that their representative is not cooperating with the President. On the other hand, when the President's ratings are low - like Bush's ratings now - Congressmen often hear that the constituents don't want their representatives to stick with him. That's when Congress starts withdrawing its support.

We've also found that the courts pay attention to public opinion. When there is strong public opinion supporting the President, he wins more often in cases than when he is really low. One other interesting relationship is with other nations. Other foreign leaders understand the game of American politics and they know that if the President's ratings are really low, he may not be able to deliver on his side of bargains. On the other hand if the President has really high ratings and the President is trying to negotiate with other foreign leaders, they say he's probably got the full clout of the US Government behind him and he is probably going to be able to deliver.

So public opinion actually becomes very important. One of the key things the President has to do besides thinking of good policy options is to figure out how to garner support with the American public for the policy? In some ways, the White House really becomes a public relations operation. Part of this garnering process is public relations, or "spinning" stories. Naturally, the President's communications advisor is an incredibly important person in this process.

The Congress. Congress was intended to be the 1st branch of government. The Founders thought that this republic's legitimacy would rest in the House of Representatives and in the Senate. Look at the US constitution and you will see that the President gets left out a lot. The courts get even less. Congress gets a lot.

The Founders were really worried about Congress because they saw it as a sort of the premier institution of American politics. Because of the Presidency's rise, there's been a growing and continuing struggle for power and pre-eminence between Congress and the President. And the constitution's separation of powers guarantees that they will butt heads, exactly as the Founders intended.

Congress really has two key functions. One is to make laws that help solve national problems. The second function is representation. Members of Congress - whether Senators

or Members of the House of Representatives - serve their constituents in ways as small as answering inquiries like “what kind of fellowships does the State Department offer?” You might get information faster from a Congressman than from the State Department because they really care. Their jobs are at stake in keeping their constituents happy. Members from the state of Florida, for example, where we grow a lot of citrus products will always work for what is good for the orange industry or for tourism because Florida has a large tourist industry. Congress is really a whole lot of little voices vying for their constituents’ interests, becoming a cacophony of voices.

In America we call this “pork barrel politics.” The term comes from reaching into a pork barrel to grab your piece of the fat. This fat could be a highway or a school or a monument or a marina; almost anything, in fact. Republicans and Democrats alike play this game.

Competing interests sometimes conflict. And they conflict in two ways. Take the example of tobacco. Somebody from Kentucky, which is a tobacco growing state, will lobby to get price support for tobacco farmers or to make the warning labels on cigarettes smaller, to diminish government efforts to stop smoking. A representative might think, “these things kill people.” He might think that the nation’s health bills are a lot worse because of smoking and we would be a lot better off if we didn’t smoke. But as a representative his interest is to make sure that his constituents’ economic interests aren’t affected.

The other conflict is in how legislators spend their energy. With only so many hours in a day, they must choose in some ways between the pressing national issues that will involve major political fights and not necessarily benefit them and doing favors for their constituents which does have a return to them.

How does it all work? Compared to a parliamentary system, the U.S. Congress works like a horse show. I spent a year in England on a sabbatical and was amazed that Margaret Thatcher could merely say, “I want this bill issued” and she would get it. In America, by contrast, the Congress works very independently from the President and we have this very cumbersome process of passing legislation. It goes through a whole lot of steps; about nine in all. First a bill goes to committee then to sub-committee back to committee to a different committee then if it passes then it goes to the other house and goes all the way through this. You can also stop a bill at any of those steps relatively easily. It is a process that takes a long time and that involves a lot of politics and trading before you get all these members of congress to get a piece of legislation all the way through.

Congressmen in our system are individual, “political entrepreneurs. Only when they become fairly popular will the party try and help them out. But their relationship is primarily personal - with their constituency. Their political fortunes are owed to no one; not the party, not the President. Congressmen become vulnerable when they are perceived to be out of touch with their constituents, so they have to keep the tie their district strong.

This political independence weakens their ties with the President. Even with the conservative tendencies of the day, on a lot of issues at the district level, the interests are different. Members of congress often do not support the President, even with a Republican majority. If he does get his wishes, often the President will have to spend a lot of time and a lot of effort trying to bring his members of Congress to support him. Strong constituency ties make most members less oriented to national problems in the process of law making.

The Supreme Court. The members of the court are appointed for life unless they are totally incompetent or impeached. In fact, we have openings right now. One is for Chief Justice Rehnquist, who died recently. Rehnquist was one of the most conservative members of the court and President Bush has nominated John Roberts to replace him. Another vacancy is for Sandra Day O’Connor, who is retiring. If O’Connor is replaced with a strong

conservative like Rehnquist or Thomas, what the court does will move the country in a distinctively conservative direction.²

The politics within the court are worth watching, too. Students often assume the President knows these people well and if he wants a decision, can call them up ask them to vote his way. It turns out, though, that doesn't happen. The President really has almost no influence on Justices once they are on the bench. There is strong custom against the President trying to pressure a member of the court, and there is not much you can give to them. The only real leverage the President has is in the appointing process itself.

So, what motivates the members of the Supreme Court is mainly their personal values. As the "defenders of the constitution," they are writing the rules for the way we are going to play politics for the long run and more than anything they know that history is going to judge them. There have been some Supreme Court decisions that were a disaster and those judges are condemned in history.

So let me summarize how I see American politics. First, powers are highly fragmented. If somebody pretends they can tell you what American politics are going to be doing in three years they are fooling themselves or you. There are too many players in the game to make it very predictable.

As for the President, he has a limited time. He is looking at either four or at the most eight years. He knows after that there is going to be somebody else in office and they are going to have a different agenda. And the last half of the President's last term is called the "lame duck" section at which point the President sort of becomes irrelevant to the game of politics. The President's main power is the power to persuade. He can command what we call the bully pulpit. He can have a news conference any time he wants and that would get on national television.

Congress on the other hand is very different. They have a longer career possible. They're thinking about what's going to keep them in office or what could get them thrown out of office. They're always thinking how an issue will play back home. Once in a while a congressman has taken a courageous stand for what is right but in most cases it ended their political careers. Most politicians aren't that courageous. They are very independent and they're the final arbitrator in what's going on.

So these three institutions each have their own kind of internal politics but then have to find ways to cooperate.

South African reflection by Prof Venter, WITS

PROF VENTER: I am going to attempt to give you some brief comparative perspective between the United States political institutions at the federal level and South Africa's political institutions at what we call the national level.

First let me say a few words about the South African state and how it's organized as against the United States. The United States as you know started out with 13 individual states round about 215 years ago. They had a revolutionary war for independence or "decolonisation" and there are now 50 states in the United States. South Africa was colonised by the British and in 1910 the Union of South Africa was formed out of 4 previous British colonies and in 1994 the present state of South Africa was founded and the 4 provinces were divided into 9 provinces. So there weren't really individual entities that got together. We were forced together by the British in 1910 and then we divided ourselves in

² Rehnquist and O'Connor's replacements – Roberts and Samuel Alito – have now been confirmed by the Senate.

1994 into the present state. So there is no long tradition which the United States had - about 150 years or so - of separate states coming together.

The United States constitution is a federal constitution. Our constitution depends on how you look at it. Our constitution probably is best described if you want to use the federal type of terminology as a unitary type of constitution with federal elements because we do have a written constitution which has the status of a sacred compact which we made in 1993 or 1994. We do have the pieces written into the constitution of the separation of power between the judiciary, the legislature and the executive. The status of each province is guaranteed in the constitution.

A province simply cannot leave the state of South Africa. If a province were to declare its unilateral independence like the Southern states tried to do in 1860 in the American Civil war, we'd probably also will have a civil war because you cannot disconnect yourselves from this constitution unless the constitution is altered in a constitutional and democratic way and this is prescribed.

We do have, contrary to the United States, the separation of power pieces. The power of the courts are written into the constitution that they can interpret the constitution and we have a dedicated and specified Constitutional Court which is the highest court as far as constitutional matters is concerned. As far as the executive is concerned, we also have a President, who is really an elected Prime Minister. We have a parliamentary form of executive. In other words, our executive is beholden to the National Assembly. If the National Assembly takes a motion of no confidence in the President or in the President and the Cabinet under certain circumstances the President has to resign. In the United States, the President cannot be removed from office by Congress through a motion of no confidence because they don't like his politics. Only for high crimes and misdemeanours can impeachment procedures can be opened against the President and only two Presidents have been "impeached" in the history of the United States.³ So far in our eleven years no president has been impeached but it's still early. Who knows?

Now let's get into details, starting with the legislature. Our constitution specifically says the National Assembly will be chosen on a proportional list system of an electoral system. Our National Assembly has a maximum term of 5 years but if the President so desired like in Britain he or she can dissolve parliament and they have fresh elections. That hasn't been done yet in the first 11 years but again this is early days. As the political dynamics in South Africa change, it's quite possible that our National Assembly may face earlier elections depending on circumstances reigning at the time. In the U.S., the dates of the national elections are set by an Act of Congress, and the power to oversee the manner of holding elections is interestingly left to a large extent in the hands of the state legislatures. Now my colleague told you how the American members of Congress, whether they are Senators or Members of the House of Representatives, are elected from individual geographically delimited constituencies. They are beholden to those constituencies and they are accountable to those constituencies and it's much more important to take the constituencies with them than to be part of a greater political party. The greater political party is more symbolic sometimes but in practice every piece of legislation, every question coming before the American Congress, needs a fresh coalition. Not so in South Africa. We have a party list system where members of our National Assembly are beholden to the party bosses because they determine how high on the party list you will be come next general election time. If you are low down on the party list chances are you won't get in. So there's

³ Impeachment refers specifically to the "bringing of charges" by the House of Representatives, a process that is followed by a trial in the Senate. Andrew Johnson in 1868 and Bill Clinton are the only Presidents to have been "Impeached" by a full House vote. Articles of Impeachment were voted in Committee (not by the full House) in Richard Nixon's case.

very strict centralised control. We have a strict party caucus system. If you break ranks with the party caucus you could even lose your seat.

Once an election has taken place, our President (who is the chief executive officer) is elected by an electoral college made up of members of the National Assembly and obviously the party with the strongest representation in the National Assembly or the majority in the National Assembly will elect the new President. Our Presidents, in other words, are not popularly elected. Now for our purposes we can say your President is popularly elected but we know if we look at the detail you also have an electoral college but I won't bother the class about that.

There is sort of a popular legitimating of the United States President that goes through this popular electoral process. The electioneering can take up to 18 months sometimes and so on. Not so with us. The President is really elected by parliament or by the ruling party or the strongest party in parliament but then of course the President is beholden to the National Assembly in the sense that they can remove him from office or her from office if they lose political confidence.

There are also measures in our constitution to remove the President from office for what we would call in the United States terminology high crimes and misdemeanours and we need certain majorities when this takes place. Our President as far as the executive is concerned gets to pick his own members of cabinet much like the United States President but with the big difference that our members of the cabinet, except two, all have to be members of the National Assembly. Our President has the option to vet 2 experts from outside into his cabinet but all other members have to be members of the National Assembly and our President also gets to pick the Deputy President.

To become President, a South African has to be a member of the National Assembly. Once elected by the National Assembly to the Presidency, he immediately vacates his seat. He is no longer in the National Assembly but of course still is accountable to it and can still be removed from office on the counts as I have just mentioned to you.

The United States President has a give and take relationship with Congress. In South Africa since we have a very disciplined party caucus system, almost 95% of all legislation comes from the executive, through the 29 or so civil service departments that there are. There's a long process through which they go to make legislation but once cabinet has made up its mind that it wants to have a specific piece of legislation, it's tabled in parliament, it's debated through various phases, it goes through the committee system and that legislation will be passed by our parliament since the ruling party controls a majority. That is not so easy in the United States.

When our budget is tabled by the Minister of Finance, for example, it can only be accepted or rejected by parliament; not changed. If the Assembly rejects the document outright, he can only put in a new budget. In this regard, our parliamentary system is based on the British style of government.

Let's move on to the courts which are very interesting for all of us. Since 1994 we changed the constitutional law of South Africa from the previous system inherited from the British where the courts could not challenge or interpret laws of parliament. At most what the courts could do is rule on procedure: Did the President sign the law into law? Was it promulgated in the Government Gazette? Etc.

The power to interpret South African law was limited to procedural matters. The merits of the law could not be tested against either a constitution or general morality. If parliament said this is the law, we had parliamentary sovereignty which means parliament is the big boss. Today we have what is known as "constitutional sovereignty" in law if you want. In other words all laws of parliament and all actions of the executive much like in the United States have to conform to the prescriptions of the constitution and if there is

uncertainty whether a law is constitutional or not of course this will be judged by the constitutional court. As a matter of fact, our constitution makes provision for the President to refer a piece of legislation before he signs it into law to the constitutional court if he is uncertain whether this law is indeed constitutional.

Our Supreme Court system is not like the United States at all. We have the supreme court of appeal at the apex plus the constitutional court being the two highest courts of appeal. Underneath them are the high courts of South Africa and they are also known as courts of first instance and there are courts of appeal at the lower levels, but ours is a unitary system. There is not even a supreme court in each of the 9 provinces due to the fact that we don't have all that many resources. But ideally we want to have a high court in each of the provinces.

As far as our judges are concerned, we haven't been in our new democratic system long enough to have the sort of battles that Americans you have had about things like the appointment of judges of the Supreme Court. Our judges are appointed also for life but typically they would be withdrawn from active duty at the age of 70 but withdrawn from active duty does not mean that they are no longer judges. They remain having the status of judges until they die. In the very well known Shabir Sheik trial last year, Mr Sheik was charged with corruption. A retired judge, Mr Justice Squires was taken out of retirement and brought back into active duty to hear the specific case because it would take about 8 or 9 months to hear the trial.

Also our judges can not be removed from office unless they are guilty of what you will call in the United States high crimes and misdemeanours and then there is a motion that has to go through to Parliament and Parliament has to take a decision with a strong majority to remove this judge from office. No judge has been removed since 1994 from office on such grounds and since 1910 I'm not aware of any judge having been removed from office.

Question and answer session

QUESTION: In my opinion, the South African system of proportional representation negates the principle of public accountability as compared to the system of political individualism which is practiced in the United States of America. So which form is best? Which would be best applicable to the South African political situation in the sense that public accountability plays an important role in any democratic environment?

PROF WRIGHT: Really, our system sort of works for us. It is the way it is because of American's distrust for any institution as concentrated power. Americans could not stand the idea of parties deciding who they are going to vote for. It used to be that the parties had a larger role in determining candidates up to the turn of the century. At that time, a group named "the Progressives" came in and they wanted to break the power of parties and they instituted this thing called the "direct primary" in which candidates run as Democrats or Republicans in their own parties' primary elections. People who consider themselves Democrats, for example, can show up and vote and whoever wins that primary gets to be on the general election ballot. It's a very explicit effort to break the power of the parties by referring the choice of candidate to the members themselves. The only thing that really unites our parties is our ideology.

The Republicans in Congress right now, for example, are really quite conservative as a group and they really united ideologically. But even though they all want to go to the same place, there is not a whole lot that the Republican Party leadership can do to them if they decide they are going to go with the Democrats when their constituency wants them to do so. One side effect of our system is that it opens it up for a lot of lobbying and a lot of interests. Special interest groups can push their desired legislation by saying, for example, "I'm a big

employer in your district and I want you to push these bills for me.” So it is a very poor system in a lot of ways. On the other hand, our system is not controlled by just a few party bosses. So if you want to have your say as an individual or as an organized interest you would probably like the US system.

On the other hand, if you want to get things done, you would probably prefer the parliamentary system. It is much more efficient to have one person in charge of passing the bills – and be accountable through elections sometime later. Our Presidents have to struggle all the time because of complicated inefficient system. Given our traditions, we didn’t want to concentrate power in that way.

PROF VENTER: In South Africa, we chose the proportional representation system because we are a deeply divided society linguistically, ethnically, religiously and in other ways - not that the United States is all that unified - but proportional representation makes for inclusive representation in parliament.

We have 15 or 16 parties in parliament. One characteristic of a proportional representation system is that it tends to defuse representation. At the moment, our representation is concentrated in the ANC; not through the political institution. 10, 15, 20 years down the line this may change. The one thing in politics that is constant is change. But proportional representation does not make for public accountability. It is very weak on public accountability. Real accountability occurs once every five years in an election and then people have long ago forgotten what happened five years ago. It does alleviate some pork barrel politics because there is no pork to be sold.⁴

Another problem with constituency-based representation is the possibility of minority governments. Just imagine that we had an election in South Africa like the Brits had in May (2005) and the party that gets 36% of the popular vote gets to form the new government. Mr Blair only got 36% of the popular vote, giving him a working majority in parliament. But this means that 64% of the British people that took part in the last election did not vote for his party. Now imagine if in South Africa the DA, the IFP and Independent Democrats got 36% of the vote and were entitled to form the new government. This place would blow up. Many political analysts suspect that one day the ANC is going to split along class lines and you’ll get conservatives that are rich and the people that are not so rich becoming the labor party or the “Democratic” type of party or the social democracy party. If and when this split occurs along class lines and not ethnic lines, then you might have a situation like the last German elections in which neither party achieved the 50 percent requisite support to form a government.

My personal belief is that we must go the way the Germans go, with 50% of the seats proportional representation and 50% constituency based. Then you get the advantages of both with very little of the disadvantages. The diehard Brits might disagree, saying they want efficient government even if Blair only got 36% of the vote. By the way, that’s the lowest ever popular vote in the British system

QUESTION: Given the US invasion of Iraq and South Africa’s RDP and social security in the Mandela era, how do both systems strike the balance between legitimate policy objectives and pure emotion?

PROF WRIGHT: Part of your question – on emotion – concerned the invasion of Iraq after September 11th – was it necessary politically? Well, the invasion of Iraq was only possible because of 9/11 and the American public support behind the President; something that rarely happens. Bush’s approval ratings went as high as any President has ever had right after 9/11. So he had tremendous latitude to do whatever he wanted. So when President

⁴ Prof Venter presumably refers narrowly to pork barrel politics as bringing money/projects, etc “home” to a specific district.

Bush told us that the war on terrorism requires us to invade Iraq, a large proportion of American voters said “Well, I don’t understand all of this stuff but by God if those are the guys who attacked us I am with you.” I believe it was what we call a “rally effect” that occurs when the country is attacked: we are going to support him no matter what. That, I think, explains the public reaction.

As to whether the invasion of Iraq was a good idea or not, we are wrestling with that question. Right now the majority of the public think it wasn’t and wished it never happened. But the American public opinion enabled it. They probably would have enabled President Bush to limit the response to just hunting down Osama Bin Laden in Afghanistan or probably a lot of other options.

But Bush had to do something. If he had not done anything he would have been in trouble. 9/11 was seen as a huge assault on the nation. After time, as in Vietnam and Korea, the longer we’re in a war, the more public opinion goes down. People have to be re-convinced that there is a good purpose or they finally withdraw support for the war. I think President Bush is in danger of that right now.

PROF VENTER: In an ideal world where we were governed by people without emotional political or other agendas, I suppose reasoned policy prescription would be the best way of making decisions. But in the political sphere instead of the administrative sphere, things are different, especially when you get to a level of highly politicized policies like the RDP and social security.⁵ There was a lot of “emotion” in the reconstruction and development program because some felt the state would “interfere” from on high so that South Africa was redeveloped. Mr Mbeki, when he was still Deputy President, didn’t believe that a lot of state interference in the economy would get us where South Africa needed to be quickly enough because the state tends to be inherently inefficient.

QUESTION: How is foreign policy accountability built into the institutions within the American government system?

PROF WRIGHT: Foreign policy accountability is for the US the same as anything else. There is no distinction except that the President may have more latitude in foreign policy. We have a saying that goes back to the beginning of the Republic: “Politics ends at the water’s edge.” That is sort of the default assumption. But when the President gets us into things like Vietnam or Iraq which are very divisive then he has a lot more critics. Congress usually will give the President what he wants unless they get a lot of pressure from their constituents. For most Americans, foreign policy is just not on their map. We are really insular in that way. We’re focused on our everyday lives, and for the most part are not very well aware of what is going on in the rest of the world unless it is something big and visible like when we invade Iraq.

So our system gives the President a lot of latitude in foreign policy that he does not have in domestic policy. In domestic policy almost anything he does is going to affect some congressman’s district who will work hard to make sure his constituents aren’t hurt. Globalization is beginning to make Americans pay more attention to foreign policies. A lot of the labor unions and the manufacturing sector is affected, and many people in these areas are getting more involved in foreign policy than was the case in the past.

PROF VENTER: The accountability of our government for foreign policies is almost the same as the US in the sense that again our foreign policy is supposed to be multi-partisan. The average South African is also somewhat provincial and somewhat parochial as long as we can get on with our lives. The intellectual classes are more focused. These people are

⁵ The RDP was a reconstruction and development program which formed part of the ANC’s program in the 1994 election. It was dumped in 1996 in favor of the so-called GEAR policy which is a growth and redistribution policy of the ANC.

worried for instance what is happening to our neighbouring state Zimbabwe. The government's foreign policy as far as Zimbabwe is concerned, at least, draws quite a lot of criticism in the so-called quiet diplomacy vis-à-vis Zimbabwe. But on the other hand our President and our government get lots of credit for its foreign policy as part of South Africa's leadership in Africa is concerned, South Africa's leadership in the non-aligned movement is concerned, and the so-called south-south issues and the south-north issues are concerned. This is why you see our President making statements at the G-8 alongside Lula da Silva from Brazil. So we're punching above our weight really in foreign policy because I think our economy is about the size of North Carolina or something like that.

But if something goes wrong, the President simply says it is one of many issues and come election time we will face the electorate. Last year in April the ANC returned with the largest majority ever and the Zimbabwe foreign policy was part of the debate. So we obviously don't only vote on foreign policy issues. But you see we are not the super power. When you are a super power and the decisions that your government makes or the President makes involves not only United States interests but the interest of the European union and the Latin American states, your foreign policy has broader implications and consequences for the people in the United States than the people outside.

QUESTION: Given the need for centralized, effective government to achieve development objectives, what about effective government's lessened accountability? Whose interests will be served by lessened accountability?

PROF VENTER: As far as South Africa is concerned, there is a need to balance things. There are checks and balances in our constitutional system. The President can't really do what he wants because there are certain constitutional checks and balances but if he controls the ruling party in Parliament and if he has a strong working majority in Parliament, our government can pretty much do what they want so long as they don't violate the constitution. The accountability is much softer in South Africa than in America because we don't have constituencies. Parliamentary systems like this one that we have inherited from the British, tend to go top down because you have this strict party caucus system. For example, the Iraq war is unpopular in Britain but nonetheless Mr. Blair was returned. The Iraq war apparently didn't do him any good in the election but he still was returned. In effect, he was held accountable. His policies were put to a vote and people said they didn't like the Iraq war, but he was re-elected. So there is accountability but it is not absolute. The dynamics of politics is give and take.

PROF WRIGHT: Accountability really comes down to the issue of recognition. If voters don't like what is going on and an election occurs, is there no doubt whose fault it is? That is accountability. If things go wrong in the economy, if you are in a bad war, there is no doubt whose fault it is. In our system, the President can be from one party and both houses of congress from another. When an election comes along, the President can say it was the Democrats' fault. The Democrats can say, "oh no no!" If the President had listened to us..." The voters are asking themselves "who do I hold accountable"? Which party should be thrown out? And of course the members of congress have made sure that they have not done something that crosses the majority in their own district. In that sense there is often not accountability as we don't know whose fault it was.

On the other hand we do achieve what I think you don't get in a parliamentary system: responsiveness. I get to see my Member of Congress. He comes to town at least once a month and has public meetings and if I want to I can be one of the few people who show up and let him know what I think about the issues of the day and if he hears enough about that he is going to go back and he is going to respond to that. If enough Congressmen start hearing opposition from their constituents about Iraq, for example, then when the President comes through for more budget he is not going to get it and we don't have to wait

for the next election and in a broad sense it is a kind of accountability in those public approval ratings I was talking about.

When the President's popularity rating starts dropping, he is going to get less of what he wants, reducing his ability to get what he wants through. So, on the one hand we don't have the accountability of knowing for sure who is to blame. On the other hand we do have mechanisms for responsiveness and sort of indirect accountability.

QUESTION: How important is public opinion in making policy, and can't reliance on public opinion cause contradictory and nonsensical policies to be adopted?

PROF WRIGHT: We argue about that a lot. There've been many books on it. One was arguing that Bill Clinton would read the polls to try to figure out what to do and that George Bush will never do anything based on the polls. But Bush's staff also do a lot of polls. They have a huge polling operation and we know who does it and we have roughly an idea what the budget is. Almost all politics in America responds in some fashion to public opinion. Politicians' careers depend on it. Some will be directed by it, some will simply say I was elected to do something I am going to go with that but I am going to try and explain it in terms of people's current concerns.

There is a lot of debate about whether a President or Member of Congress should follow their own conscience or follow public opinion. Some people say they want a member to follow his conscience and to be courageous and tell the truth about what they want. On the other hand, we want politicians to listen to the people. You can't always have both and when push comes to shove it is the people who decide who is going to be in office. Politicians know that more often than not they are going to listen to public opinion.

QUESTION: In America, obviously the level of citizen participation is very high. In South Africa, citizens do not take much active role in public activities and therefore they weaken the accountability of elected representatives. From the American perspective, what solutions can you provide to South Africa in order to increase the level of citizen participation to ensure that the principle of public accountability is upheld?

PROF WRIGHT: Unfortunately, we can't teach you that. American participation in national elections is the worst of 30 other countries we studied. The last Presidential election was a celebration because half of the people eligible to vote turned out to vote for the President. In most of the recent Presidential elections, less than half of the people turned out to vote. In our off year elections when the Congressmen run and the President doesn't, participation falls to 30% of the people. We study the heck out of that. I can tell you who doesn't vote: It is largely the young and it is largely those with less education or who just never tuned into the process. The political parties do more on television and less mobilizing like they used to and so the people who most need encouragement to get to the poles aren't getting that help. Americans have a good idea of where the challenge lies and we are trying to lower the costs of voting. The Oregon mail-in ballot is one thing they are trying to do to boost participation. Trying to shorten the registration period might also help get more people to vote.

Many people still don't vote. They just don't quite get around to it. When people move, the last thing that is on their minds is registering to vote. And when an election comes along and you decide to register, you can find out too late that you missed the registration deadline six weeks ago. There is a big campaign under way now to change that requirement, and one of the things is the motor voter bill that registers you to vote when you go get your driver's license or any other county or federal benefit. We thought that this would be the solution, but it has had very little impact at all.

This is a sad truth in American politics. I don't know what the problem is. I think a large number of people are turned off from politics and are apathetic.

PROF VENTER: If you took the same set of figures from South Africa, you would find that our voter participation is on the high side. It was very high in 1994, around 80%, but it has come down to round about 65% of voter participation. I think we are still over 50%. So why don't people go out to vote?

One problem in South Africa that has come forward is that many ANC supporters say oh but the party is going to win in any case, so why bother to register? Why bother to vote? Also with us, registration is very difficult because we have huge rural areas where there is no electricity and no roads. It is not easy to get there. You have to go by horseback or by donkey cart or have to walk and you have to get to a government office and sometimes the office isn't open because it is only open certain times of the week. Then we have to have an identity document. I don't have mine with me. You cannot register if you don't have an identity document. Also people have to have their photographs taken and they don't have money to pay for the photographs. So we changed the system if you really desperately poor you can get a free photograph and then the cost of the ID document is written down and that sort of thing. So there are some formidable hurdles for some of our people simply to go and register.

In general it seems to me if you are middle class and educated you tend to get interested in politics and you do get out and turn out to vote. In South Africa it has been a little bit different because we have this peerage of political activism especially through the freedom movements. But that has gone out the window a little bit because we have now become settled and institutionalized and politicians tend to get lazy and they don't try and get out the vote.

And registering voters is only one thing. You also need to get people actively involved in politics. They need to join a party, lick envelopes and walk the streets putting up posters and so on. That is typically a middle class type of activity. Working class people have to get up early, work late, they have transport problems, they have material problems and so it is not easy for them to have leisure time to get involved in ordinary day to day constituency based, party office based, town office based party political issues.

Also, in South Africa the euphoria of the freedom movement and the freedom struggle is gone. It is now just ordinary politics. Bread and butter politics if you want and that is one reason I think why our voter participation has gone down. It is sort of a middle class activity and be the ruling party is has won all five electoral contests both locally and nationally. So the people say oh well the ANC is going to win in any case why bother to vote.

PROF WRIGHT: The highest turnout group in America is the elderly. They are well organized and politicians are scared to death of dealing with anything related to social security. The elderly all vote and they really care and they are well organized and well informed. In our last round of welfare reform (under Clinton), we ended up cutting welfare and raising social security and I think it is very largely a function of who votes. It does matter. But trying to convince people who aren't getting their piece of the action or their share of the system that their vote is worth it, it is very hard to do.